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PUBLIC DEPARTMENT.

(Public.)

NOTIFICATIONS

Fort St. George, February 9, 1917.

No. 46.—The following Gazette of India Extraordinary is republished :—

LEGISLATIVE DEPARTMENT.

Delhi, the 2nd February 1917.

An Ordinance to provide for the registration of certain European British subjects.

Whereas an emergency has arisen which renders it necessary to require certain European British subjects to register themselves in the manner hereinafter provided ;

Now, therefore, in exercise of the powers conferred by section 72 of the Government of India Act, 1915, the Governor-General is pleased to make and promulgate the following Ordinance :— 5 & 6 Geo. V., C. 61.

ORDINANCE No. I OF 1917.

Short title and extent.

1. (*1*) This Ordinance may be called the Registration Ordinance, 1917.

(*2*) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas, and applies also to European British subjects within the territories of any Native Prince or Chief in India.

Definitions.

2. In this Ordinance unless there is anything repugnant in the subject or context—

"European British subject" means a European British subject as defined in the Code of Criminal Procedure, 1898 ; V of 1898

"Prescribed" means prescribed by rules made under this Ordinance.

Obligation to register

3. (*1*) Every male European British subject for the time being in India (not being a member of His Majesty's naval or military forces otherwise than as a volunteer enrolled under the Indian Volunteers' Act, 1869) who, for the time being, has attained the age of sixteen years and had not attained the age of fifty years on the first day of February, 1917, shall within the prescribed period fill up, or cause to be filled up, sign and lodge with the registration authority specified in Schedule I, or such other registration authority as may be prescribed, Form A set out in that schedule, and if any such person claims— XX of 1869.

(*a*) not to be ordinarily resident in British India, or

(*b*) to be within exception number (*2*) or (*3*) set out in Schedule II,

he shall lodge with the said form a statement of his claim.

(*2*) If any registration authority has reason to believe that any person is a person to whom the provisions of sub-section (*1*) are applicable, he may, if he thinks fit, by order in writing require such person to furnish such particulars as may be specified in the order within such time as may be so specified, and such person, whether he is or is not a person to whom that sub-section applies, shall within the specified time furnish the said particulars to such registration authority in such form or manner as such order may require, and shall duly sign the same.

(*3*) If any person refuses, or without lawful excuse (the burden of proving which shall lie upon such person) neglects—

(*a*) within the prescribed period to fill up or cause to be filled up to the best of his knowledge and belief the form required by sub-section (*1*), or to sign or to lodge it with the registration authority as required by that sub-section ; or

(*b*) to comply with the requirements of any order under sub-section (*3*),

he shall be punishable with fine which may extend to five hundred rupees.

(*4*) Every registration authority under this Ordinance shall be deemed to be a public servant within the meaning of the Indian Penal Code. XLV of 1860.

Determination of disputes as to residence and age.

4. If any question arises with reference to this Ordinance whether any person is a European British subject or is within the exceptions set out in Schedule II, or as to the age of any person, the prescribed authority may apply to the District Magistrate or to an officer specially empowered in this behalf by the Local Government in the district in which the person to whom the dispute relates is for the time being, and such Magistrate or other officer, after hearing such person or giving him a reasonable opportunity of being heard, shall summarily determine the question, and the decision of such Magistrate or other officer shall be final.

Power to make rules.

5. (*1*) The Governor-General in Council may make rules to carry out the purposes of this Ordinance.

(*2*) In particular and without prejudice to the generality of the foregoing power such rules may prescribe registration authorities, provide for the issue of certificates of registration, and the preparation of a register, and for the compilation and correction thereof, and for the attendance of persons for that purpose, and for the notification of the address and changes of address of registered persons.

(*3*) Rules made under this section may provide that any contravention thereof or of any order or notice issued under the authority of any such rule shall be punishable with fine which may extend to five hundred rupees.

(*4*) All rules made under this Ordinance shall be published in the *Gazette of India*, and on such publication shall have effect as if enacted in this Ordinance.

Ordinance not to apply to persons confined in a prison or lunatic asylum.

6. Nothing in this Ordinance shall apply to any person confined in a prison or lunatic asylum.

SCHEDULE I.

(See section 3.)

PART 1.

Registration Authorities.

In the case of any person in Government employ.	The Head of the Department.
In the case of any person in the employ of any public authority.	The Chief Executive Officer of such authority.
In the case of any person in the employ of any railway.	The head of the Railway Administration.
In any other case where no special authority is prescribed.	The District Magistrate of the district where the person for the time being is resident, or in the case of a person resident in a presidency town, the Commissioner of Police.

PART 2.

Form A.

Particulars—

(*a*) Name.
(*b*) Place of residence.
(*c*) Date of birth.
(*d*) Whether single, married or widower.
(*e*) Number of dependents, if any, distinguishing wife, children and other dependents.
(*f*) Profession or occupation, if any, name of business, address of employer, if any, and nature of employer's business.
(*g*) Whether the work on which he is employed, if any, is work for or under any Government department.
(*h*) Whether he has undergone military or naval training of any description if so what and for what period.

Signature and date.

NOTE—Section 4 (*1*) (*i*) of the Code of Criminal Procedure is as follows:—

(*i*) "European British subject" means—

(i) any subject of Her Majesty born, naturalised or domiciled in the United Kingdom of Great Britain and Ireland or in any of the European, American or Australian Colonies or possessions of Her Majesty or in the Colony of New Zealand or in the Colony of the Cape of Good Hope or Natal;

(ii) any child or grand-child of any such person by legitimate descent;

SCHEDULE II.

Exceptions.

(1) Members of His Majesty's naval and military forces other than Volunteers enrolled under the Indian Volunteers' Act, 1869.

(2) Persons in Holy Orders or regular Ministers of any British denomination.

(3) Persons who have at any time since the beginning of the war been prisoners of war, captured or interned by the enemy or have been released or exchanged.

DELHI,
The 2nd February 1917.

CHELMSFORD,
Viceroy and Governor-General.

No. 47.—The following notification of the Government of India is republished:—

ARMY DEPARTMENT.

Delhi, the 3rd February 1917.

JUDICIAL.

No. 160.—In exercise of the powers conferred by section 5 of the Registration Ordinance, 1917, the Governor-General in Council is pleased to make the following rules:— I of 1917.

Short title. 1. These rules may be called the Registration Rules, 1917.

Definitions. 2. In these rules, unless there is anything repugnant in the subject or context,—

"the Ordinance" means the Registration Ordinance, 1917; I of 1917.

"the competent military authority" means the General Officer Commanding the Division or independent Brigade within the territorial limits of which the registered person ordinarily resides.

Period within which a person must register. 3. For the purposes of section 3 of the Ordinance, the prescribed period shall be—

(*a*) in the case of persons resident in India at the commencement of the Ordinance—one month from the commencement of the Ordinance; and

(*b*) in the case of persons becoming subject to the provisions of the Ordinance after its commencement—one month from the date on which they become so subject.

Registration authority to provide forms. 4. (*1*) The registration authority shall, as far as possible, cause to be delivered to every person to whom the provisions of sub-section (*1*) of section 3 of the Ordinance apply a copy of Form A specified in Schedule I of the Ordinance:

Provided that nothing in this sub-rule shall be construed as relieving any person of the obligation to register imposed on him by the ordinance.

(*2*) The registration authority shall cause public notice to be given in such manner as it may think fit as to the places where copies of the form can be obtained.

Disposal of claims to non liability. 5. (*1*) For the purposes of section 4 of the Ordinance, the prescribed authority shall be such person as may be appointed by the competent military authority by order in writing in this behalf.

(*2*) Where a claim is lodged with the registration authority, in accordance with the provisions of sub-section (*1*) of section 3 of the Ordinance, the registration authority shall forward the claim to the competent military authority.

(*3*) On receiving a claim under sub-rule (*2*), the competent military authority shall, unless he allows the same, direct the authority prescribed by sub-rule (*2*), to apply for the decision of the claim to the District Magistrate or other officer specially empowered in accordance with the provisions of section 4 of the Ordinance.

(*4*) If the competent military authority or an officer deciding a question under section 4 of the Ordinance allows a claim, he shall forward a copy of his order to the registration authority.

Notification of change of address. 6. (*1*) If any person registered under the Ordinance changes his place of residence, such person shall, unless the change is merely temporary, within seven days thereafter, notify the registration authority of such change.

(*2*) If any person refuses or, without lawful excuse (the burden of proving which shall lie upon him), neglects to make the notification required by sub-rule (*1*), he shall be punishable with fine which may extend to two hundred rupees.

Maintenance of register. 7. The registration authority shall maintain a register in Form I set out in the Schedule to these rules, and shall, from time to time, forward to the competent military authority copies of the register or of any alterations that may be made therein.

Certificates of registration. 8. The registration authority shall supply to every person registered under the Ordinance a certificate of registration in Form II set out in the Schedule to these rules.

THE SCHEDULE.

FORM I.

(See rule 7.)

Register.

Name.	Place of residence.	Date of birth.	Whether single, married or widower.	Number of dependents (if any) distinguishing wife, children and other dependents.	Profession or occupation (if any), name of business, address of employer (if any), and nature of employee's business.	Whether the work on which he is employed (if any) is work for or under any Government Department.	Whether he has undergone military or naval training of any description. If so, state for what period.	Determination of dispute (if any) under section 4 and date of order.	Remarks.

Signature of Registration Authority.

FORM II.

(See rule 3.)

Certificate of Registration.

This is to certify that—

(a)_____

(b)_____

(c) of_____

has been registered under the Registration Ordinance, 1917.

(a) Name; (b) occupation; (c) postal address

Signature of holder

Signature of Registration Authority.

Extract from the Registration Rules, 1917.

Rule 8 (1) If any person registered under the Ordinance changes his place of residence, such person shall, unless the change is merely temporary, within seven days thereafter notify the registration authority of such change.

(2) If any person refuses or, without lawful excuse (the burden of proving which shall lie upon him), neglects to make the notification required by sub-rule (1), he shall be punishable with fine which may extend to two hundred rupees.

J. P. BELFORD,
Acting Chief Secretary.

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